

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV473-MU

IN RE:)
MARIANO H. OSPINA,)
Debtor.)
_____))
MARIANO H. OSPINA,)
Appellant,)
vs.)
INDYMAC BANK,)
Appellee.)
_____)

ORDER

This matter is before the court upon Appellee's Motion to Dismiss Appeal. The Debtor in this case appealed the bankruptcy court's granting of a motion for relief from stay that allowed the Appellee Indymac to foreclose upon the Debtor's real property. The court is informed that prior to the foreclosure, the Debtor paid off Indymac's loan, obviating the need for foreclosure. Accordingly, it appears that this appeal is moot.

IT IS THEREFORE ORDERED that the Appellee's Motion to Dismiss Appeal is hereby GRANTED and this appeal is dismissed as moot.

Signed: September 12, 2007



Graham C. Mullen
United States District Judge

